

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

Barryton Townsend,
Petitioner,

v.

Doug Dretke,
Respondent.

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C.A. NO. C-05-304

**MEMORANDUM OPINION AND ORDER GRANTING RESPONDENT'S
MOTION FOR SUMMARY JUDGMENT**

On April 20, 2006, the United States Magistrate Judge filed her Memorandum and Recommendation in this cause (D.E. 17). Objections were timely filed (D.E. 24). The bulk of petitioner's objections concern the nature of defendant's motion for summary judgment (D.E. 16). Specifically, petitioner complains that defendant did not properly title his motion. A cursory reading of the filing should have been sufficient to alert petitioner to its nature. The remainder of petitioner's objections are without merit. Having reviewed *de novo* the Magistrate Judge's memorandum and recommendation and the pleadings on file, this Court hereby adopts as its own the findings and conclusions of the Magistrate Judge that the petitioner's petition is time-barred.

Accordingly, defendant's motion for summary judgment (D.E. 16) is granted. Petitioner's certificate of appealability is denied.

ORDERED this 3 day of August, 2006.


HAYDEN HEAD
CHIEF JUDGE